

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

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In re:

**Richard Campbell,**

Bankruptcy Case No.: 09-81559

Social Security No. 99-99927-8-

Mailing Address: 330 Mill Hill Road, Roxboro, NC 27574-

Debtor.

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**Richard Campbell,**

Plaintiff, A.P. No.: 10-9066

**Sun Trust Bank,**

Defendant.

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**CONSENT JUDGMENT**

**UPON THE CONSENT OF ALL PARTIES** in this action to value collateral and to determine the secured status of said claim held by the Defendant, judgment is entered as follows:

1. This matter is a core proceeding pursuant to 28 U.S.C. § 157, and that the court has jurisdiction pursuant to 28 U.S.C. §§ 151, 157 and 1334;
2. This action was properly commenced, in accordance with 11 U.S.C. §§ 506, 1322(b)(2), 1325(a)(5) and 1327 (c) of the Bankruptcy Code and Section 7001 of the Bankruptcy Rules, and that there is just cause to grant the relief requested, as it would appear that the claim of Sun Trust Bank, secured by a Deed of Trust (recorded on December 7, 2007 in Book 659 at Page 73, Person County Registry of Deeds), be secured in the amount of \$4,000.00 to be paid at 5.25% interest, with the remainder of its claim asa an unsecured claim. Said amounts shall be paid through the Plaintiff's Chapter 13 plan and the dividend to unsecured creditors reduced accordingly.

**NOW THEREFORE, IT IS THEREFORE ADJUDGED, ORDERED AND DECREED** that pursuant to Bankruptcy Rule 7055, the Court hereby orders:

1. The claim held by Sun Trust Bank is deemed to be be secured in the amount of \$4,000.00 to be paid at 5.25% interest, with the remainder of its claim asa an unsecured claim. Said amounts shall be paid through the Plaintiff's Chapter 13 plan and the dividend to unsecured creditors reduced accordingly.
2. That Sun Trust Bank shall cancel, pursuant to N.C.G.S. § 45-36.9, said Deed of Trust within thirty (30) days of the later of payment of this secured claim or the entry of the Plaintiff's

discharge pursuant to 11 U.S.C. § 1328(a);

3. That upon the granting of the Plaintiff's discharge and in accordance with the requirements of N.C.G.S. §47-29, the Register of Deeds for the County of Person, North Carolina, may record in the office of said Register of Deeds a copy of this order, together with a copy of the discharge order issued in this bankruptcy case upon being presented with certified copies thereof.
4. That the parties shall bear their own costs in this matter.
5. This Court retains jurisdiction regarding this judgment.

We Consent:

/s Edward C. Boltz  
Edward C. Boltz  
Attorney for the Plaintiff  
North Carolina State Bar Number: 23003

/s Rebecca Leigh  
Rebecca Leigh  
Attorney for the Defendant  
North Carolina State Bar Number: 24820

/s Richard M. Hutson, II  
Richard M. Hutson, II  
Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT  
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**Richard Campbell,**

Plaintiff, A.P. No.: 10-9066

**Sun Trust Bank,**

Defendant.

---

**SERVICE LIST FOR JUDGMENT BY DEFAULT**

Richard M. Hutson, II  
Chapter 13 Trustee  
Post Office Box 3613  
Durham, N C 27702

Sun Trust Bank  
**Attn: Managing Agent**  
Post Office Box 85092  
Richmond, NC 23286

U.S. Bankruptcy Administrator  
Post Office Box 1828  
Greensboro, N.C. 27401

Richard Campbell  
330 Mill Hill Road  
Roxboro, NC 27574-

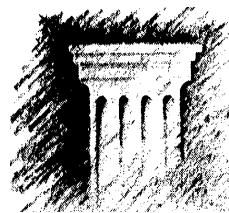
Rebecca Leigh  
Attorney  
301 South Greene Street  
Suite 201  
Greensboro, NC 27401-

Law Offices of John T. Orcutt, P.C.  
Attorney for Plaintiff  
6616-203 Six Forks Rd.  
Raleigh, N.C. 27615

LAW OFFICES OF  
**John T. Orcutt**

Mailing Address:  
6616-203 Six Forks Rd.  
Raleigh, N.C. 27615

Telephone Numbers:  
(919) 847-9750 or  
(800) 899-1414  
(919) 847-3439 (fax)



Dated: \_\_\_\_\_

Richard M. Hutson, II  
Chapter 13 Trustee  
Post Office Box 3613  
Durham, N C 27702

Re: Debtor: Richard Campbell  
Case No: 09-81559  
A.P. No: 10-9066

Dear Mr. Trustee:

Enclosed please find enclosed a copy of the Default Judgment entered by the Court in the above-styled adversary proceeding to value collateral and to determine the secured status of the mortgage claim held by **SUN TRUST BANK**. In accordance with this Judgment, please verify, and if necessary, adjust, the claim of Sun Trust Bank (The claim that is secured by a Deed of Trust upon the Plaintiff's real property) **is being treated as a general unsecured claim.**

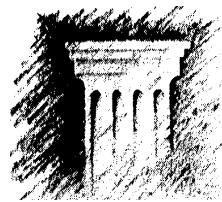
If your office has any questions regarding the Order, please do not hesitate to contact our offices. Thank you for your customary kind attention.

Sincerely,

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Edward Boltz

LAW OFFICES OF  
**John T. Orcutt**



Mailing Address: 6616-203 Six Forks Rd.  
Raleigh, N.C. 27615      Telephone Numbers:  
(919) 847-9750 or  
(800) 899-1414  
(919) 847-3439 (fax)

Dated:

Richard Campbell  
330 Mill Hill Road  
Roxboro, NC 27574-

Re: Creditor: Sun Trust Bank  
Case No: 09-81559  
A.P. No: 10-9066

Dear Client:

Congratulations! We were able to strip off the mortgage claim held by **SUN TRUST BANK**. This means that if you complete your Chapter 13 plan, this mortgage will be completely eliminated and you will never need to pay on it again.

Attached is a copy of the Judgment entered by the Court.

**Important Note:** Please put this Judgement in a safe and secure place, along with your other important papers. You may need to show this to someone in the future to prove that the mortgage was stripped off. You may also want to have the Default Judgment, together with your discharge, recorded at the Person County Register of Deeds, as further evidence that this mortgage has been eliminated.

If there is any attempt to collect on this debt, either while you are still in Chapter 13 or following your discharge, by SUN TRUST BANK, please contact us immediately, since any such action would be a violation of the bankruptcy court's orders and might subject SUN TRUST BANK to sanctions.

**Caution:** Please remember that in order to benefit from the stripping of this mortgage, you must complete your entire Chapter 13 case. If your case is dismissed, the mortgage will be reinstated automatically, in which case you will not only be due for mortgage payments again on this mortgage, but also overdue for all the payments that came due before and during your Chapter 13 case. Additionally, you cannot convert your case to Chapter 7 and still eliminate this mortgage. Lastly, you cannot sell or refinance your house during your Chapter 13 plan without paying off this mortgage in full.

Good luck and congratulations

Sincerely,

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Edward Boltz

(rekiddor.wpt rev. June 8, 2010)